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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,970	11/09/2001	Philip J. Passantino	301098	3787

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EXAMINER

GLASS, RUSSELL S

ART UNIT PAPER NUMBER

3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/035,970

Applicant(s)

PASSANTINO, PHILIP J.

Examiner

Russell S. Glass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The objection to Claim 1 is withdrawn based upon applicant's amendment dated 4/12/2006.

Claim Rejections - 35 USC § 112

2. The rejection of Claims 1 –12 under 35 U.S.C. 112, second paragraph is withdrawn based upon applicant's amendment dated 4/12/2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13, 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldenberg, (U.S. 2002/0065682).

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4. As per claim 13, Goldenberg discloses a computer-based method of managing a network of physicians comprising the steps of:

providing secure access to the network to a client through a computer terminal, (Goldenberg, Fig. 3; ¶¶ 9, 42, 47) (passwords providing secure and limited access);

allowing said client to request a referral for a specific medical need, (Goldenberg, ¶¶ 15, 50-53, 67);

retrieving from a referral database information about at least one physician capable of handling the referral, (Goldenberg, ¶¶ 15, 50-53, 67);

displaying said information for said client, (Goldenberg, ¶¶ 15, 50-53, 67);

allowing said client to select said at least one physician, (Goldenberg, ¶¶ 15, 50-53, 67);

requesting a response from said client to at least one inquiry established by said at least one physician, (Goldenberg, ¶ 50, 67)(disclosing questions from physician to patient regarding past diagnosis and treatment, said questions being a form of inquiry);

securely transmitting patient information from a client database to said at least one physician after receiving a response to said inquiry, (Goldenberg, ¶ 40) (disclosing an information retrieval system that encodes data for security purposes);

generating a request to have said at least one physician provide medical services, (Goldenberg, ¶¶ 15, 50-53, 67); and

tracking said request to ensure that the medical services are provided, (Goldenberg, ¶ 50)(disclosing a system programmed to select another physician to

perform the medical services if the first physician cannot perform the requested medical service, thus ensuring that the requested medical services are provided).

5. As per claim 15, Goldenberg discloses a method further comprising the step of confirming that said client is authorized to access said network of physicians, (Goldenberg, ¶¶ 42, 47) (the password and user I.D. are used to confirm access authorization).

6. As per claim 16, Goldenberg discloses a method wherein said physician database comprises a plurality of physician profiles, (Goldenberg, ¶ 50) (selected professional resumes are displayed, said resume are considered to be a profile).

7. As per claim 17, Goldenberg discloses a method wherein each of said plurality of physician profiles includes said at least one inquiry, (Goldenberg, ¶ 50, 67)(disclosing questions from physician to patient regarding past diagnosis and treatment, said questions being a form of inquiry).

8. As per claim 18, Goldenberg discloses a method further comprising the step of interfacing with a client computer system to upload demographic information, (Goldenberg, ¶ 50)(disclosing transmitting and gathering a patient history screen to adequately answer an inquiry, said patient history screen is considered to include demographic information).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg, (U.S. Pub. 2002/0065682), in view of Joao, (U.S. 2002/0032099),**

10. As per claim 14, Goldenberg fails to disclose a method wherein said client is selected from the group consisting of an HMO, a PPO, a POS plans, a TPA, a self-insured employer, a health insurance carrier, and a payor. However, such a method step is well-known in the art as evidenced by Joao, (Joao, ¶ 251)(disclosing a user as a payor).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Goldenberg and Joao. The motivation would have been to process healthcare claims, (Joao, ¶ 43).

11. **Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg, (U.S. Pub. 2002/0065682), in view of Stephanou, (U.S. 6,505,166).**

12. As per claim 19, Goldenberg fails to disclose a method further comprising the step of recruiting at least one physician to participate in said network of physicians. However, such a method step is well-known in the art as evidenced by Stephanou, (Stephanou, col. 7, lines 51-57).

It would be obvious to one of ordinary skill in the art to combine Goldenberg and Stephanou. The motivation would be to create a virtual help desk to provide experts in many areas of expertise immediately and competently in response to queries for help from customers. However, such a method step is well-known in the art as evidenced by Stephanou, (Stephanou, col. 2, lines 30-33).

13. As per claim 20, Goldenberg fails to disclose a method further comprising the step of further comprising the step of providing independent review of the referral prior to the step of generating said request. However, such a method step is well-known in the art as evidenced by Stephanou, (Stephanou, col. 3, lines 26-43)(disclosing a reviewing a database of qualified experts based on availability prior to generating a request for that expert).

The motivation to combine Goldenberg and Stephanou is as provided in the rejection of claim 19 and incorporated herein by reference.

14. As per claim 21, Goldenberg fails to disclose a method further comprising the step of further comprising the step of tracking the success rates and costs of referrals

among the network of physicians. However, such a method step is well-known in the art as evidenced by Stephanou, (Sephanou, col. 4, lines 21-51. col. 6, lines 18-23)(disclosing tracking of performance and fees via a survey, said performance and fees are considered to be equivalent to success rates and costs of referrals).

The motivation to combine Goldenberg and Stephanou is as provided in the rejection of claim 19 and incorporated herein by reference.

Response to Arguments

15. Applicant's arguments with respect to claims 13-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

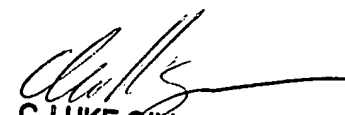
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RSG
2/20/2007

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